



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

OCT 14 2008

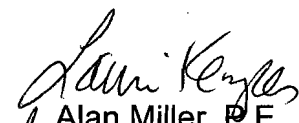
TO ALL CONCERNED PERSONS AND AGENCIES:

TENTATIVE AMENDED WATER QUALITY CERTIFICATION/WASTE DISCHARGE REQUIREMENTS/NPDES PERMIT FOR THE LOWER OWENS RIVER PROJECT, CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, INYO COUNTY, WDID NO. 6B140407009

Enclosed are tentative amended water quality certification/waste discharge requirements/NPDES permit, Board Order No. R6V-2005-0020-A2, for the Lower Owens River Project (LORP). The Tentative Order deletes references to, and requirements for, storm water discharges associated with construction activities for the LORP.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) requests that you review the enclosed documents and provide us with your written comments no later than **November 21, 2008**. Comments received after that date may not be given full consideration in preparation of the Proposed Order to be presented to the Board for adoption. A Proposed Order will be presented to the Water Board for adoption at the meeting set for **January 14 and 15, 2009** in the northern part of the region.

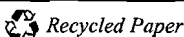
If you should have any questions or wish to discuss this amendment to Order No. R6V-2005-0020-A1, you may contact Tobi Tyler at (530) 542-5435 or me at (530) 542-5430.


Alan Miller, P.E.
North Basin Regulatory Unit Chief

Attachment: Board Order R6V-2005-0020A2 (Tentative)

TT/clhT:/LORP amend cover letter 10 6 08 TT.doc
[File Under: Lower Owens River Project]

California Environmental Protection Agency



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-
LAHONTAN REGION**

**ORDER NO. R6T-2005-0020-A2 (TENTATIVE)
(NPDES CA0103225)
(WDID No. 6B140407009)**

**AMENDED WATER QUALITY CERTIFICATION, WASTE DISCHARGE
REQUIREMENTS, AND NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT (NPDES)
FOR
CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
LOWER OWENS RIVER PROJECT
INYO COUNTY**

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Discharger and Facility

The following Discharger is authorized to discharge in accordance with the conditions set forth in Order R6V-2005-0020-A1 and so revised in this Order:

Discharger	Los Angeles Department of Water and Power (LADWP)
Name of Facility	Lower Owens River Project (LORP)
Facility Address	300 Mandich Street
	Bishop, CA 93514
	Inyo County
Facility Contact, Title, and Phone	Brian Tillemans, Water Resources Manager, (760) 873-0214
Mailing Address	Same as Facility address
Type of Facility	Habitat Restoration Project and Water Supply Station
Facility Design Flow	Continuous 40 cfs and annual 200 cfs habitat flow from River Intake; up to 50 cfs flow from pump station to aqueduct

2. Order History and Reason for Action

On July 14, 2005, the Water Board adopted Board Order No. R6V-2005-0020 for discharges associated with the Lower Owens River Project (LORP). Board Order No. R6V-2005-0020 required the Discharger develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with minimum requirements specified in Attachment L of Order No. R6V-2005-0020. On November 9, 2005, the Water Board adopted Board Order No. R6V-2005-0020-A1, which amended the Order to incorporate the Discharger's SWPPP developed for the LORP. On December 31, 2007, the Discharger submitted a Notice of Termination request for terminating coverage under NPDES storm water regulations. The Discharger

implemented the SWPPP during construction of the project over the last three years, completed construction of all elements of the project, installed post-construction storm water treatment controls, and developed a post-construction storm water operation and management plan. Construction has ceased. This Order, therefore, amends Board Order No. R6V-2005-0020-A1 to delete all references to, and requirements of, the SWPPP for the project.

3. Findings Necessary for Construction Activity to be Determined Complete

The following findings satisfy Provision VI.6.c. of Order No. R6V-2005-0020:

- *There is no potential for construction-related storm water pollution:*
Construction activities for the project were completed as of December 2007 and no further construction is anticipated.
- *All elements of the SWPPP have been complete:*
All twelve elements consisting of construction activities, as referenced in the SWPPP, have been completed.
- *Construction materials and waste have been disposed of properly:*
Waste materials from construction were hauled off and disposed of properly.
- *The site is in compliance with all local storm water management requirements, and*
Local storm water management requirements have been satisfied.
- *A post-construction storm water management plan is in place as described in the SWPPP.*
The post-construction management plan has been implemented and management of post-construction treatment controls will be on-going.

4. California Environmental Quality Act

This action to amend an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 13389 of the California Water Code (CWC). A notice of exemption will be filed with the State Clearinghouse following adoption of this Order.

5. Notice to Interested Parties and Public

The Water Board has notified the Discharger and all known interested parties and persons of its intent to amend the Order to delete reference to the SWPPP for construction activities for the LORP.

6. Consideration of Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Board Order No. R6V-2005-0020-A1 incorporate the following changes (deletions in strikethrough, additions underlined when specific text is cited):

1. Revise section C.2 of the Discharge Prohibitions, III, on page 12 as follows:

"Discharges of material other than storm water, which are not otherwise authorized by an NPDES permit, to a separate storm sewer system or waters of the nation are prohibited, ~~except as allowed in Special Provisions for Construction Activity, C.6.b.~~"

2. Revise section C.1 of the Provisions, VI, on page 19 as follows:

"NPDES Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5. ~~The State Water Resources Control Board is currently updating the statewide NPDES Permit for Discharges of Storm Water Associated with Construction Activity.~~ The Regional Water Board may revise or modify this NPDES Permit for reasons including, but not limited to, ~~incorporating the Storm Water Pollution Prevention Plan or amendments thereto, and ensuring consistency with changes made to the statewide construction activity storm water general permit.~~ The Regional Water Board may review and revise or waste discharge requirements in accordance with California Water Code §13263, (e) and (f)."

3. Delete sections C.2.a through C.2.d of Provision VI.

4. Revise section C.3.a and C.3.b of Provision VI as follows:

- a. The Best Management Practices developed for ~~construction activity storm water discharges, and other~~ LORP discharges covered by this Order, shall be designed and implemented such that storm water discharges and authorized non-storm water discharges shall not cause or contribute to a violation of any applicable water quality standards contained in the Basin Plan.

- b. Should it be determined by the Discharger or Regional Water Board that ~~storm water discharges and/or authorized non-storm water~~ discharges are causing or contributing to a violation of an applicable water quality standard, the Discharger shall:

1. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the Regional Water Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 calendar days to the Regional Water Board, unless otherwise directed by the Regional Water Board, describing (1) the nature and cause of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) ~~any corrective actions or additional BMPs identified in the SWPPP which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards;~~ and (4 3) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.
5. Revise section C.5.a of Provision VI as follows:

~~Active construction site and~~ maintenance dredging sites shall be isolated from flowing waters by physical barriers such as sand bag dikes, silt fences, or other effective controls to prevent uncontrolled discharge to surface waters.
6. Delete sections C.6.a through C.6.c of Provision VI.
7. Delete sections from Attachment E, *Monitoring and Reporting Program*, as follows:
 - a) Section III.A.
 - b) Section IV.A.
 - c) Section V, Whole Effluent Testing Requirements
 - d) Section IX.A, Interim Priority Pollutant Monitoring Requirements
 - e) Section X.B., Self Monitoring Reports (SMRs), third row in table under 3, as follows:
"3. Monitoring periods and reporting for required monitoring shall be complete according to the following schedule:

Monitoring Type / Frequency	Monitoring Period Beginning / Ending	Monitoring Period	SMR Due Date
Water Quality for Influent, Effluent, and Receiving Water / monthly	The first day of initiating discharge 004 from the River Intake to the Lower Owens River / when discharges no longer pose a threat to water quality	First day of calendar month through last day of calendar month	First day of second calendar month following month of sampling"

8. Delete Attachment L, *Storm Water Pollution Prevention Plan Requirements*.
9. Delete Section 3 of Attachment M, *Monitoring Program and Reporting Requirements*.
10. Delete Attachment Q, *Storm Water Pollution Prevention Plan for Construction Activities on the Lower Owens River Project*.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on January 14 (15), 2009.

HAROLD J. SINGER
EXECUTIVE OFFICER